IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17058 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

THAKOR SITABEN MANAJI

Versus

DEVELOPMENT COMMISSIONER

Appearance:

1. Special Civil Application No. 17058 of 2004

MR JM BAROT for Petitioner No. 1

Mr. KP Raval, AGP for respondents No.1 & 2.

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 12/01/2005

ORAL JUDGEMENT

Rule. Mr. KP Raval, learned AGP waives service of Rule on behalf of respondents No. 1 and 2 and Mr. Kirtrirai Dave, learned advocate waives service of Rule on behalf of respondent No.3.

2. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate order directing the respondents to initiate proceedings against the respondents No. 5 and 6 under Section 253 of the Gujarat Panchayats Act and to take prompt action against them. It is the case of the petitioner that respondents No. 5 and 6 have carried out illegal construction over the Government Panchayat land without any prior permission and/or approved plan and though the petitioner has made a representation to the respondents for taking appropriate action, till date no action has been taken against the respondents No. 5 and 6. It appears from the record that all throughout the petitioner had represented to the respondent No.1 Development Commissioner with a copy to the respondent No.2, District Development Officer, however, there is no specific representation made to the respondent No.2. In the facts and circumstances of the case, the petitioner to move an appropriate application before the respondents No. 2 and 3 for taking appropriate action against the respondents No. 5 and 6. Shri Barot, the ld. advocate has submitted that appropriate application would be made within the period of two weeks from today. If such an application is made the respondents No. 2 and 3 are directed to look into the same and take appropriate action in accordance with law and on merits, after giving opportunity of hearing to all the concerned parties as early as possible and preferably within the period of four months from the date of receipt of such application.

3. With this observation and direction, the present petition is disposed of. Rule is made absolute to the aforesaid extent. D.S. is permitted.

rmr. [M.R. Shah, J.]